

PEARSON, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

CHARLES R. CROSBY,)	
)	CASE NO. 1:11cv1557
Petitioner,)	
)	
v.)	JUDGE BENITA Y. PEARSON
)	
TERRY A. TIBBALS,)	
)	<u>MEMORANDUM OF OPINION AND</u>
Respondent.)	<u>ORDER</u> [Regarding ECF No. 19]

Before the Court is the Report and Recommendation of Magistrate Judge Vernelis K. Armstrong ([ECF No. 19](#)) recommending the Court deny the Petition for Writ of Habeas Corpus ([ECF No. 1](#)).

The Federal Magistrates Act requires a district court to conduct a *de novo* review only of those portions of a Report and Recommendation to which the parties have made an objection. [28 U.S.C. § 636\(b\)\(1\)\(C\)](#). Parties must file any objections to a Report and Recommendation within fourteen days of service. *Id.*; [Fed. R. Civ. P. 72\(b\)\(2\)](#). Failure to object within this time waives a party's right to appeal the district court's judgment. [Thomas v. Arn](#), 474 U.S. 140, 145 (1985); [United States v. Walters](#), 638 F.2d 947, 949-50 (6th Cir. 1981). Absent objection, a district court may adopt a magistrate judge's report without review. See [Thomas](#), 474 U.S. at 149.

In the instant case, Objections to the Report and Recommendation were due by July 23, 2012. On July 23, Petitioner filed a motion for an extension of time to file an Objection. [ECF No. 20](#). This motion was granted on July 30, and Petitioner was given an additional 30 days to file Objections to the Report and Recommendation. Petitioner has not filed an Objection. The

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Court finds that the Report and Recommendation is supported by the record, and agrees with the Magistrate Judge's recommendation.

Accordingly, the Court adopts the Magistrate Judge's Report and Recommendation. [ECF No. 19](#). The Court certifies, pursuant to [28 U.S.C. § 1915\(a\)\(3\)](#), that an appeal from this decision could not be taken in good faith, and that there is no basis upon which to issue a certificate of appealability. [28 U.S.C. § 2253\(c\)](#); [Fed. R. App. P. 22\(b\)](#).

IT IS SO ORDERED.

September 19, 2012
Date

/s/ Benita Y. Pearson
Benita Y. Pearson
United States District Judge